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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054573
Party	Defendant Ortronics, Inc.
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Submission	Motion for Summary Judgment
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Date	12/17/2012
Attachments	Ortronics Motion for Summary Judgment.pdf (3 pages)(12786 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration Nos.: 3,998,542 and 3,998,543
For the Marks: LAYER ZERO and LAYER 0
Date of Issue: July 19, 2011

LAYERZERO POWER SYSTEMS, INC.)	
)	
Petitioner,)	Cancellation No.: 92054573
)	
v.)	
)	
ORTRONICS, INC.,)	
)	
Registrant,)	

ORTRONICS, INC.’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, 37 CFR § 2.127, and TBMP § 528, Registrant Ortronics, Inc. (“Registrant”) respectfully moves the Trademark Trial and Appeal Board for an Order of Summary Judgment that there is no likelihood of confusion between Registrant’s LAYER ZERO and LAYER 0 Marks (Registration Nos. 3,998,542 and 3,998,543, respectively) and Petitioner LayerZero Power Systems, Inc.’s (“Petitioner”) LAYERZERO POWER SYSTEMS, INC. Mark (No. 77,727,998).

As set forth in greater detail in the Memorandum of Law and accompanying affidavits filed herewith, Registrant is entitled to summary judgment in this Cancellation Proceeding for at least the following reasons:

- The parties’ Goods are specifically different, non-competitive, and travel in different channels of trade;
- The parties’ Goods are expensive, highly technical and purchased only after careful, deliberate and lengthy purchasing processes; and
- The parties’ target purchasers are different, mutually exclusive, discriminating and sophisticated professionals who have an in-depth understanding of the respective Goods and the source of those Goods prior to making purchasing decisions.

For the reasons set forth above and in the accompanying Memorandum of Law, Registrant hereby requests that the Board grant Registrant's Motion for Summary Judgment and dismiss this Cancellation Proceeding.

The first testimony period for Petitioner is not scheduled to open until December 18, 2012 as reset pursuant to the Order of November 20, 2012. Accordingly, the filing of this motion is timely pursuant to TBMP § 528.02 and 37 C.F.R. § 2.127(e)(1).

Date: December 17, 2012

Respectfully submitted,

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**ATTORNEYS FOR REGISTRANT
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 17, 2012, the foregoing document was submitted for filing to the Trademark Trial and Appeal Board through the ESTTA system and a copy of this paper has been served on Petitioner LayerZero Power Systems, Inc. on this date via e-mail to:

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